

CHRISTENSEN JAMES & MARTIN, CHTD.

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7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

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9 BOARD OF TRUSTEES OF THE
 10 EMPLOYEE PAINTERS' TRUST; BOARD
 OF TRUSTEES OF THE DISTRICT
 COUNCIL 16 NORTHERN CALIFORNIA
 11 JOURNEYMAN AND APPRENTICE
 TRAINING TRUST FUND; BOARD OF
 TRUSTEES OF THE SOUTHERN NEVADA
 12 PAINTERS AND DECORATORS AND
 GLAZIERS LABOR-MANAGEMENT
 COOPERATION COMMITTEE TRUST;
 BOARD OF TRUSTEES OF THE
 13 SOUTHERN NEVADA AND CALIFORNIA
 GLAZIERS, FABRICATORS, PAINTERS
 14 AND FLOORCOVERERS PENSION TRUST
 FUND; BOARD OF TRUSTEES OF THE
 INTERNATIONAL PAINTERS AND
 ALLIED TRADES INDUSTRY PENSION
 15 FUND; BOARD OF TRUSTEES OF THE
 PAINTERS AND ALLIED TRADES LABOR
 MANAGEMENT COOPERATION
 16 INITIATIVE; BOARD OF TRUSTEES OF
 THE FINISHING TRADES INSTITUTE;
 IUPAT POLITICAL ACTION TOGETHER
 17 FUND; STAR PROGRAM, INC.; SOUTHERN
 NEVADA PDCA/FCA INDUSTRY
 18 PROMOTION FUND,

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20 Plaintiffs,

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22 vs.

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24 OLYMPUS CONSTRUCTION LV, INC., a
 25 Nevada corporation; HOSPITALITY
 RENOVATION SERVICES, LLC, a Nevada
 26 limited liability company; PHILIP GLEN
 FRIEDBERG, an individual; MARIE JAN
 27 BOWER, an individual; WESTERN

CASE NO.: 2:24-cv-01023-APG-NJK

28

**PLAINTIFFS' MOTION TO
 EXCEED PAGE LIMITS**

1 NATIONAL MUTUAL INSURANCE
2 COMPANY, a Minnesota corporation; GREAT
3 AMERICAN INSURANCE COMPANY, an
4 Ohio corporation; DOES I-X and ROES I-X,

5 Defendants.

6 OLYMPUS CONSTRUCTION LV, INC.;
7 HOSPITALITY RENOVATION SERVICES,
8 LLC; PHILIP GLEN FRIEDBERG; MARIE
9 JAN BOWER,

10 Counterclaim-Plaintiffs,

11 vs.

12 BOARD OF TRUSTEES OF THE
13 EMPLOYEE PAINTERS' TRUST; BOARD
14 OF TRUSTEES OF THE DISTRICT
15 COUNCIL 16 NORTHERN CALIFORNIA
16 JOURNEYMAN AND APPRENTICE
17 TRAINING TRUST FUND; BOARD OF
18 TRUSTEES OF THE SOUTHERN NEVADA
19 PAINTERS AND DECORATORS AND
20 GLAZIERS LABOR-MANAGEMENT
21 COOPERATION COMMITTEE TRUST;
22 BOARD OF TRUSTEES OF THE
23 SOUTHERN NEVADA AND CALIFORNIA
24 GLAZIERS, FABRICATORS, PAINTERS
25 AND FLOORCOVERERS PENSION TRUST
26 FUND; BOARD OF TRUSTEES OF THE
INITIATIVE; BOARD OF TRUSTEES OF
THE FINISHING TRADES INSTITUTE;
IUPAT POLITICAL ACTION TOGETHER
FUND; STAR PROGRAM, INC.;
SOUTHERN NEVADA PDCA/FCA
INDUSTRY PROMOTION FUND,

Counterclaim-Defendants.

The Trustees of the Employee Painters' Trust, et al. ("Plaintiffs"), hereby move this
Court, pursuant to Local Rule 7-3(c), for permission to file a Motion to Strike Defenses of up to
30 pages.

1 Local Rule 7-3(b) of the United States District Court for the District of Nevada provides
 2 that all non-summary judgment motions are limited to 24 pages, absent a showing of good
 3 cause. LR 7-3(a) states, “Parties must not circumvent this rule by filing multiple motions.” In
 4 this Case, Plaintiffs intend to file a motion to strike one-hundred fifteen (115) defenses asserted
 5 by six (6) Defendants in four (4) separate Answers. Given their sometimes-lengthy names and
 6 the overall number of litigants (at least 16), the case caption, alone, occupies 2 pages.

7 Plaintiffs sought to condense and streamline the motion to strike, but found that they
 8 needed more than the allotted 24 pages to adequately present their arguments. Because the
 9 motion to strike cannot be fully briefed within the page limits set by rule, good cause exists to
 10 grant permission for an extension of up to six (6) additional pages (the motion to strike would
 11 therefore be limited to a maximum of 30 pages). *See generally Declaration of Daryl Martin.*
 12 Consistent with LR 7-3(c), the Plaintiffs intend to supply a table of contents and a table of
 13 authorities along with the proposed over-length motion to strike defenses.

14 **Conclusion**

15 Plaintiffs respectfully request that this Court grant them leave to file the aforementioned
 16 motion to strike defenses of up to 30 pages in length.

17 DATED this 24th day of September, 2024.

18 **CHRISTENSEN JAMES & MARTIN**

19 By: /s/ Daryl E. Martin
 20 Daryl E. Martin, Esq.
 21 Nevada Bar No. 006735
 22 7440 W. Sahara Avenue
 23 Las Vegas, Nevada 89117
 24 *Attorneys for Plaintiffs Board of*
 25 *Trustees of the Employee Painters'*
 26 *Trust, et al.*

1 DECLARATION IN SUPPORT OF MOTION TO EXCEED PAGE LIMITS

2 I, Daryl E. Martin, under penalty of perjury of the laws of the United States of America
3 and the State of Nevada, declare as follows:

4 1. I am an attorney employed by Christensen James & Martin, counsel for the
5 Plaintiffs in the above-referenced Case.

6 2. Plaintiffs are preparing two motions: a Motion to Strike Defenses and a Motion
7 to Dismiss Counterclaims. In the Motion to Strike, Plaintiffs will address one-hundred fifteen
8 (115) affirmative defenses listed in four (4) separate Answers, which were filed by six (6)
9 Defendants.

10 3. Local Rule 7-3(b) of the United States District Court for the District of Nevada
11 states that all non-summary judgment motions are limited to no more than twenty-four (24)
12 pages. The Rule also states that it may not be circumvented by the filing of multiple motions.

13 4. Consistent with Local Rule 7-3(b), Plaintiffs tried to present all issues relevant
14 to the Motion to Strike within the page limits set by rule, but found that they could not do so.
15 This is in part due to the number of litigants (16) and the relatively long names used by ERISA
16 trust funds. The case caption, alone, takes up 2 pages.

17 5. Based on the foregoing, I respectfully submit that good cause exists to permit
18 the Plaintiffs to file motions exceeding the page limits of LR 7-3 by up to six (6) pages,
19 meaning that the motion to strike defenses would not exceed 30 pages.

20 6. Consistent with LR 7-3(c), Plaintiffs will be supplying a tables of content and a
21 table of authorities for the motion to strike.

22 7. I declare under penalty of perjury under the laws of the United States of
23 America that the foregoing is true and correct to the best of my knowledge.

24 Executed this 24th day of September, 2024, at Las Vegas, Nevada.

25 _____
26 */s/ Daryl E. Martin*
27 Daryl E. Martin
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1 CERTIFICATE OF SERVICE

2 I am an employee of Christensen James & Martin. On the date of filing of the
3 foregoing papers with the Clerk of Court I caused a true and correct copy to be served in the
following manner:

4 ELECTRONIC SERVICE: Pursuant to Local Rule LR IC 4-1 of the United
5 States District Court for the District of Nevada, the above-referenced document was
6 electronically filed and served on all appearing parties through the Notice of Electronic
Filing automatically generated by the Court.

7 UNITED STATES MAIL: By depositing a true and correct copy of the
above-referenced document into the United States Mail with prepaid first-class postage,
8 addressed to the parties at their last-known mailing address(es):

9 OVERNIGHT COURIER: By depositing a true and correct copy of the
above-referenced document for overnight delivery via a nationally-recognized courier,
10 addressed to the parties listed below which was incorporated by reference and made final in
the w at their last-known mailing address.

11 FAXSIMILE: By sending the above-referenced document via facsimile to
those persons listed on the attached service list at the facsimile numbers set forth thereon.

13 **CHRISTENSEN JAMES & MARTIN**

14 By: /s/ Natalie Saville